

## REMARKS

In the Office Action, claims 10-13 are rejected under 35 U.S.C. § 102; and claims 1-9 are rejected under 35 U.S.C. § 103. Applicants respectfully submit that these rejections are improper at least for the reasons set forth below.

In the Office Action, claims 10-13 are rejected under 35 U.S.C. §102 in view of U.S. Patent No. 5,848,399 issued to Burke ("*Burke*"). Applicants believe that *Burke*, on its own, is distinguishable from the claimed invention as defined by claims 10-13. Of the pending claims at issue, claim 10 is the sole independent claim.

Independent claim 10 recites a virtual-space reciting method for providing a user terminal connected via a network, with various kinds of services through a three-dimensional virtual space created in the network, the method includes the steps of: providing a virtual room imitating a real room of a user using the user terminal, on a three-dimensional virtual space so that the virtual room can be browsed using the user terminal connected via the network; and providing a virtual store for selling virtual commodities, which can be placed in the virtual room, on the three-dimensional virtual space; wherein when a virtual commodity is purchased in the virtual store using the user terminal, benefit of purchasing the virtual commodity is given to the user terminal side so that the user can enjoy the benefit in a real store.

In contrast, Applicants believe that *Burke* fails to disclose at least a number of features of the claimed invention. For example, Applicants believe that *Burke* at least fails to disclose a virtual room imitating a real room of a user using the user terminal. Instead, *Burke* discloses a three-dimensional floor plan for a selected store. The floor plan is displayed to allow a consumer to view a three-dimensional store. The floor plan represents the retail store. See *Burke*, col. 7, ln. 18-50 and Fig. 3.

Contrary to the Patent Office's position, the three-dimensional room in *Burke* cannot be equated to the virtual room of the claimed invention because the three-dimensional room in *Burke* is a virtual store resembling a retail store environment. The purpose of this room is to provide a consumer with a method of displaying retail objects for purchase.

In contrast, the virtual room as claimed is a virtual room imitating a user's own real room. In the virtual room, arrangement of a real room, arrangement of furniture, and the like, are simulated as they are. The virtual room allows a user to view a virtual commodity in the virtual

room so as to simulate the real commodity in the user's real room before a user purchases the commodity. For example, a user can visit a virtual furniture store, select a virtual desk, and place the virtual desk in the user's virtual room to simulate the arrangement of the furniture, a size of the furniture, and the like. Thus, the user can view the commodity in their room before they purchase it, unlike a user in *Burke*.

Based on at least these reasons, Applicants believe that *Burke* is deficient with respect to the claimed invention as defined by claims 10-13. Accordingly, Applicants respectfully submit that claims 10-13 are not anticipated by *Burke*.

Claims 1 and 5-7 are rejected under 35 U.S.C. §103 as allegedly unpatentable in view of *Burke* and further in view of Mass, Y. et al. "VRCommerce – Electronic Commerce in Virtual Reality". Proc. Of the 1<sup>st</sup> ACM Conference on Electronic Commerce. November 1999. Pp. 103-109. ("*Mass*"). Thus, the Patent Office primarily relies on *Burke* and further relies on the *Mass* reference to remedy the deficiencies of same. Applicants believe that this rejection is improper and further the combination of *Burke* and *Mass* is distinguishable from the claimed invention as defined by claims 1 and 5-7. Of the pending claims at issue, claims 1 and 6 are the sole independent claims.

Independent claim 1 recites a virtual-space providing apparatus which is connected to a user terminal via a network, and which provides the user terminal with various kinds of services through a three-dimensional virtual space created in the network, the virtual-space providing apparatus including a virtual room providing server for providing virtual room data for imitating a real room of a user using the user terminal, and for providing the virtual room, which can be browsed using the user terminal connected via the network, on the three-dimensional virtual space; virtual store providing server for providing the user terminal connected via the network with a virtual store, the virtual store selling virtual commodities imitating real commodities, on the three-dimensional virtual space; and benefit-information transmitting medium, wherein, when the user purchases a virtual commodity in the virtual store provided by the virtual store providing server using the user terminal, benefit information showing benefit of purchasing the virtual commodity is transmitted to the user terminal.

Independent claim 6 recites a virtual-space providing system, which is connected via a network to a user terminal used by a user, a real-store terminal installed in a store in a real space,

and a virtual-space providing apparatus providing the user terminal with various kinds of services through a three-dimensional virtual space, wherein the virtual-space providing apparatus includes a virtual room providing means for imitating a real room of the user using the user terminal, and for providing a virtual room, which can be browsed using the user terminal connected via the network, on the three-dimensional virtual space; virtual store providing server for providing the user terminal connected via the network with a virtual store selling virtual commodities imitating real commodities, on the three-dimensional virtual space; and benefit-information transmitting medium for transmitting benefit information to the user terminal so that in the real space the user can get benefit of purchasing a virtual commodity, when the virtual commodity is purchased in the virtual store provided by the virtual store providing server; and the user terminal includes a removable storage medium; and writer for writing the benefit information transmitted from the benefit-information transmitting medium, on the storage medium.

Applicants believe that the claimed invention is distinguishable over the cited art. Based on at least the reasons discussed above, *Burke* is deficient with respect to the claimed invention. *Burke* discloses a three-dimensional room representing a retail environment. The invention as disclosed in *Burke* provides no virtual room representing a user's real room, thus allowing a user to view a virtual commodity in the user's virtual room to simulate how the commodity will appear in the user's real room. Therefore, *Burke* on its own is clearly deficient with respect to the claimed invention.

Further, Applicants do not believe that the Patent Office can rely solely on *Mass* to remedy the deficiencies of *Burke*. Neither *Mass* nor *Burke* disclose or suggest a virtual room imitating a real room of a user. This feature of the claimed invention allows a user to manipulate a virtual commodity in a user's virtual room so as to simulate a real commodity in a user's real room. No aspect of *Mass* or *Burke* discloses or suggests same.

In addition, Applicants respectfully submit that an artisan of ordinary skill would not have been motivated to combine and/or modify the teachings of *Burke* and *Mass* in the first place. Indeed, the Patent Office merely cites *Mass* regarding the "Virtual Reality Hallway" without providing any motivation in *Mass* to combine the cited feature with the three-dimensional store in *Burke*.

In fact, *Burke* teaches away from a virtual room imitating a real room of a user so a user can simulate a commodity before purchasing it. *Burke* teaches a system which allows a consumer to purchase products at home that is limited to those products which a consumer would not need or want to buy in person. Such products are typically packaged products and commodity goods such as cereals, paper towels, soft drinks, and other goods which a consumer does not need to inspect before purchasing, and are often sold in super markets. See *Burke*, col. 3, ln. 33-40.

Clearly *Burke* teaches away from a virtual room that imitates the real room of the user so as to allow a user to inspect and manipulate such goods before purchasing. Moreover, *Burke* teaches that the three-dimensional store is to display and sell commodities such as cereal, paper towels and soft drinks; products that a consumer would not want to place in a virtual room to simulate their appearance in a user's real room. Again, *Burke* teaches away from selling commodities that a user would want to place in a virtual room to inspect and manipulate prior to purchase.

Additionally, *Burke* teaches that one can forgo the construction of a floor plan and provide a menu of possible product categories for selection by the consumer. See *Burke*, col. 7, ln. 56-58. Undoubtedly, *Burke* discloses that the products available for sale in the three-dimensional store are not intended to be items that would motivate one to modify *Burke* to have a virtual room imitating a real room of a user, that would allow a user to simulate the appearance of the commodity in the real room of the user.

Clearly, what the Patent Office has done is to rely on hindsight reasoning to justify the combination and/or motivation of *Burke* and *Mass*. Therefore, even if combinable, *Burke* and *Mass* fail to disclose or suggest the claimed invention and thus fail to render the claimed invention obvious based upon at least these reasons.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to claims 1 and 5-7 be withdraw.

Claims 2 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Burke* in view of *Mass* and in further in view of The Virtual Reality Modeling Language (VMRL) Version 1.0 Specification. November 9, 1995 ("*VMRL*"). Applicants respectfully submit that the patentability of claims 1 and 6 renders moot the obviousness rejection of claims 2 and 8. At a

minimum, the cited art fails to teach or suggest the features of claims 2 or 8 in combination with the features of claims 1 or 6 based on at least the above reasons discussed above where *VMRL* cannot be relied on solely to remedy the deficiencies of same.

Claims 3-4 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Burke* in view of *Mass* and further in view of U.S. Patent No. 6,604,861 issued to Burke et al. ("*Burke\_2*"). Applicants respectfully submit that the patentability of claims 1 and 6 renders moot the obviousness rejection of claims 3-4 and 9. At a minimum, the cited art fails to teach or suggest the features of claims 3-4 or 9 in combination with the features of claims 1 or 6 based on at least the reasons discussed above where *Burke\_2* cannot be relied on solely to remedy the deficiencies of same.

For the foregoing reasons, Applicants respectfully submit that the present applicant is in condition for allowance and earnestly solicit reconsideration of the same.

Respectfully submitted,

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